

November 2, 2009

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker  
Clerk of Court

FOR THE TENTH CIRCUIT

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KATHERINE GILES; ZURICH  
AMERICAN INSURANCE COMPANY,

Plaintiffs - Appellees,

v.

THE INFLATABLE STORE, INC.,

Defendant - Appellant.

No. 09-1299  
(D.C. No. 1:07-CV-00401-PAB-KLM)  
(D. Colorado)

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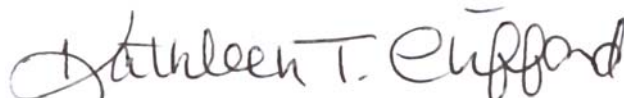
**ORDER**

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This appeal is before the court based on Appellant-Defendant The Inflatable Store's "unopposed motion to dismiss," which the court construes as a motion under Fed. R. App. P. 42(b) to voluntarily dismiss this appeal.

Upon consideration, the motion to voluntarily dismiss is **GRANTED**. This appeal is **DISMISSED**. The mandate shall issue forthwith.

Entered for the Court,  
Elisabeth A. Shumaker, Clerk



Kathleen T. Clifford  
Attorney - Deputy Clerk